



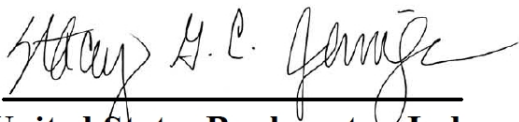
CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed February 26, 2018


United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:	§	CASE NO. 18-30264-SGJ7
ACIS CAPITAL MANAGEMENT, L.P.,	§	Chapter 7
ALLEGED DEBTOR.	§	

IN RE:	§	CASE NO. 18-30265- SGJ7
ACIS CAPITAL MANAGEMENT GP,	§	Chapter 7
L.L.C.,	§	
ALLEGED DEBTOR.	§	

AGREED SCHEDULING ORDER

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76332/0062-15518297v3
4831-9381-9998v.1

61588-3 2/26/2018

**AGREED SCHEDULING ORDER REGARDING DISCOVERY AND HEARINGS ON:
(I) JOINT MOTION OF ACIS CAPITAL MANAGEMENT, L.P. AND ACIS CAPITAL
MANAGEMENT GP, L.L.C. TO DISMISS INVOLUNTARY PETITIONS AND
REQUEST FOR AWARD OF FEES, COSTS, AND DAMAGES AND (II)
INVOLUNTARY PETITIONS**

The Court orders that the following dates and deadlines shall apply to the hearings (the “Hearings”) on: the (i) Joint Motion of Acis Capital Management, L.P. (“Acis LP”) and Acis Capital Management GP, L.L.C. (“Acis GP,” together with Acis LP, the “Alleged Debtors”) to Dismiss Involuntary Petitions and Request for Award of Fees, Costs, and Damages [Case No. 18-30264, Docket No. 8; and Case No. 18-30265, Docket No. 8] (the “Motion to Dismiss”), and (ii) the involuntary petitions (the “Petitions”) filed against the Alleged Debtors by Joshua N. Terry, the Petitioning Creditor (“Mr. Terry,” and with the Alleged Debtors, the “Parties”):

GENERAL MATTERS

1. **Hearing Date:** The Hearings shall commence on **March 20, 2018, at 9:30 a.m. (Central Standard Time)**, at the Bankruptcy Court for the Northern District of Texas, Dallas Division, 1100 Commerce Street, Room 1428 (Courtroom No. 1), Dallas, Texas 75242 and continue until concluded. Alleged Debtors, on the one hand, and Mr. Terry, on the other hand, shall have equal trial time.
2. The Alleged Debtors shall file a supplement to the Motion to Dismiss by no later than **February 26, 2018**.
3. Mr. Terry’s response to the Motion to Dismiss shall be filed on or before **March 5, 2018**.
4. The Alleged Debtors’ answer, subject to the Motion to Dismiss shall be filed on or before **March 5, 2018**. Alleged Debtors stipulate and agree that the only response(s), defense(s), or counterclaim(s) to the involuntary petitions will be those set forth in the Motion to Dismiss (as supplemented) and their answer, defenses and counterclaim to be filed in accordance with this order and the Alleged Debtors will present evidence in support of those responses at the Hearings. For the avoidance of doubt but without limiting in any way the preceding sentence, Alleged Debtors stipulate and agree that, solely for purposes

of his eligibility as a petitioning creditor, Mr. Terry's claim is not the subject of a bona fide dispute as to liability or amount nor is it contingent as to liability.

5. Replies to the response to the Motion to Dismiss or responses to the answer referenced in paragraphs 3 and 4 herein, if any, shall be filed no later than 7 days after the filing of the response to the Motion to Dismiss or answer, as applicable.
6. Pre-trial briefing, if any, shall be filed no later than **March 15, 2018**. Original briefs shall be limited to 25 pages. Responsive briefs shall be filed no later than March 19, 2018. Responsive briefs shall be limited to 12 pages.
7. For the avoidance of doubt, presentation of evidence in connection with a potential judgment pursuant to 11 U.S.C. §303(i) and the posting of a bond pursuant to 11 U.S.C. §303(e) shall be bifurcated and not made part of the hearing on the Motion to Dismiss. In the event the Court grants the Motion to Dismiss, the Court will thereafter conduct a scheduling conference with regard to the Alleged Debtors' claims under 11 U.S.C. §303(e) and (i).

DISCOVERY MATTERS

8. **Discovery:** The deadline for any party for responses or objections to discovery subject to any applicable discovery rule under the Federal Rule of Bankruptcy Procedure is shortened to seven (7) days.
9. **Non-party or Third Party Discovery:** The Court orders all non-party or third party response deadlines to discovery under any applicable discovery rule under the Federal Rule of Bankruptcy Procedure shortened to fourteen (14) days from service.
10. **Discovery Cut-Off:** The Parties shall complete all non-party discovery and expert depositions, if any, by no later than **March 15, 2018**. All party, affiliate, or insider discovery shall be completed no later than **March 9, 2018**. The Parties agree to expedited discovery. If the Parties cannot agree on the scope of discovery, time to respond, or time to produce/appear, the Parties agree to expedited court consideration, including telephonic hearings, subject to the Court's availability.
11. **Expert Designations/Reports:** The Parties shall provide expert witness designations, if any, and reports, if any, required by Federal Rule of Civil Procedure 26(a)(2)(A) and (B), as incorporated by Federal Rule of Bankruptcy Procedure 7026, no later than **February 26, 2018**. Rebuttal expert reports, if any, shall be provided by **March 9, 2018**.

12. **Depositions:** All depositions shall be held on reasonable notice. Unless otherwise agreed to in writing by the Parties, seven (7) days' notice is required for all depositions.

FILINGS FOR TRIAL

13. **Hearings Witnesses:** All witnesses shall be designated by **March 16, 2018**.
14. **Witness and Exhibit Lists:** Each party must file its Witness and Exhibit List by **March 16, 2018**.
15. **Hearings Exhibits:** All exhibits, except impeachment exhibits, shall be marked with exhibit labels and exchanged with opposing counsel contemporaneous with the filing of a party's Witness and Exhibit List

MISCELLANEOUS

16. **Amendment of This Scheduling Order:** With the exception of the settings of the Hearings, the remaining terms of this Scheduling Order may be modified by the agreement of the Parties or by separate order of this Court. Notwithstanding the foregoing, any party may move this Court to amend this Scheduling Order without the consent of the other Parties.
17. **Compliance with This Scheduling Order:** At the Hearings, the Parties and their counsel must certify to full compliance with this Scheduling Order.

END OF ORDER

Agreed to and Submitted by:

WINSTEAD PC

500 Winstead Building
2728 N. Harwood Street
Dallas, Texas 75201
Telephone: (214) 745-5400
Facsimile: (214) 745-5390
e-mail: rpatel@winstead.com
e-mail: achiarello@winstead.com

By: /s/ Rakhee V. Patel

Rakhee V. Patel – SBT # 00797213
Annmarie Chiarello – SBT # 24097496

-and-

BRIAN P. SHAW

State Bar No. 24053473

shaw@clousedunn.com

CLOUSE DUNN LLP

1201 Elm Street, Suite 5200

Dallas, Texas 75270-2142

Telephone: (214) 220-3888

Facsimile: (214) 220-3833

**ATTORNEYS FOR JOSHUA N. TERRY,
PETITIONING CREDITOR**

-and-

COLE SCHOTZ P.C.

By: /s/ Michael D. Warner

Michael D. Warner (TX Bar No. 792304)
Benjamin L. Wallen (TX Bar No. 24102623)
301 Commerce Street, Suite 1700
Fort Worth, Texas 76102
Telephone: (817) 810-5250
Facsimile: (817) 977-5273
mwarner@coleschotz.com
bwallen@coleschotz.com

-and-

Gary Cruciani (TX Bar No. 05177300)
Michael P. Fritz (TX Bar No. 24036599)
MCKOOL SMITH, P.C.
300 Crescent Court, Suite 1500
Dallas, Texas 75201
Telephone: 214-978-4000
Facsimile: 214-978-4044
gcruciani@mckoolsmith.com
mfritz@mckoolsmith.com

**ATTORNEYS FOR ACIS CAPITAL
MANAGEMENT, L.P. AND ACIS CAPITAL
MANAGEMENT GP, L.L.C.**